

## **REMARKS**

Claims 1, 6-10, 17, 19, and 20 are now pending in the application. The basis for these amendments can be found throughout the specification, claims and drawings as originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

In view of the preceding amendments and the following remarks, the rejections are traversed and reconsideration of this application is respectfully requested.

## **DRAWINGS**

Figures 1-3 stand objected to for certain informalities. Applicants have attached revised drawings for the Examiner's approval. In the revised drawings, Figures 1-3 are designated by the legend "Prior Art." Accordingly, withdrawal of this objection is respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 6-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Olds (U.S. Pat. No. 5574969). This rejection is respectfully traversed.

Olds is directed generally toward assigning a non-interfering channel to a subscriber unit. Olds discloses that "the precise method of selecting a non-interfering channel is not important for the present invention." (column 10 lines 4-6). Furthermore, Olds discloses pre-determined channel assignments. (column 10 lines 12-23).

In contrast, Applicant's claim 1 calls for determining a connection parameter for a user terminal according to communications system parameters. Applicant has amended claim 1 to call for accessing a database of communications system

parameters. An algorithm determines a connection parameter according to the communications system parameters. In other words, the algorithm determines a connection parameter in response to a request from a user terminal.

Olds does not teach or disclose applying an algorithm to communications system parameters to determine a connection parameter. Olds fails to teach or disclose a database of communications system parameters that is accessed in response to a request for service from a user terminal. Therefore, Olds does not teach or disclose the invention of claim 1 and its corresponding dependent claims. Applicant respectfully submits that independent claim 1, along with its corresponding dependent claims, is now in condition of allowance.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Olds '969 in view of Watanabe (U.S. Pat. No. 4052670). This rejection is respectfully traversed.

With respect to Applicant's claim 19, Olds does not teach or disclose applying an algorithm to communications system parameters to determine a connection parameter. Olds does not teach or disclose a database of communications system parameters that is accessed in response to a request for service from a user terminal. Therefore, Olds does not teach or disclose the invention of claim 19 and its corresponding dependent claims.

Watanabe discloses that a signal may be attenuated due to rain conditions. Watanabe does not teach or disclose accessing a database of communications system parameters and applying an algorithm to determine connection parameters. As such, it

would not be obvious to combine the pre-determined channel assignments of Olds with the signal attenuation of Watanabe to arrive at the present invention. Olds and Watanabe, either singly or in combination, do not teach or disclose the present invention. Applicant respectfully submits that independent claim 19, along with its corresponding dependent claims, is now in condition of allowance.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,  
Attorney for Applicants

Dated: April 22, 2003

By: 

G. Gregory Schivley, Reg. No. 27,382

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600